

JS 44 (Rev. 09/11)

CIVIL COVER SHEET

'13CV0785 MMABLM

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
e.Digital Corporation
(b) County of Residence of First Listed Plaintiff San Diego
(c) Attorneys (Firm Name, Address, and Telephone Number) Handal & Associates

DEFENDANTS
Apple Inc.
County of Residence of First Listed Defendant Santa Clara County, CA
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
REAL PROPERTY
TORTS
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. §§271, 281
Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE See attachment.
DOCKET NUMBER See attachment.

DATE 04/01/2013
SIGNATURE OF ATTORNEY OF RECORD /s/Pamela C. Chalk

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

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I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**

Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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11 Fax: 619.696.0323

12 Attorneys for Plaintiff
13 e.Digital Corporation

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 e.Digital Corporation,
17 Plaintiff,
18 v.
19 Apple Inc.,
20 Defendant.

Case No. '13CV0785 MMABLM

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

21 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
22 THE SOUTHERN DISTRICT OF CALIFORNIA:

23 Pursuant to Local Civil Rule 40.1.f, Plaintiff, e.Digital Corporation
24 (“Plaintiff”) and its counsel hereby identify the following related cases. The
25 following cases currently pending in the Southern District and the instant action
26 arise from the same or closely-related transactions, happenings, issues or events
27 and/or call for determination of the same or substantially related questions of law
28 and fact:

1) **Case Number 3:12-cv-02543-CAB-WVG**, *e.Digital Corporation v.*
Diasonic Technology Co. LTD, et al. (the first filed case, filed October 19, 2012
and assigned to the Honorable Judge Cathy Ann Bencivengo and the Honorable

1 Magistrate Judge William V. Gallo);

2 2) Case No. 3:12-cv-02571-CAB-WVG, *e.Digital Corporation v.*
3 *Yamaha Corporation of America, et al.* (filed October 22, 2012 and transferred to/
4 to the Honorable Judge Cathy Ann Bencivengo and the Honorable Magistrate
5 Judge William V. Gallo (per Court order of October 29, 2012), but voluntarily
6 dismissed on January 28, 2013);

7 3) Case No. 3:12-cv-2580-CAB-WVG, *e.Digital Corporation v. Korg*
8 *Inc., et al.* (filed October 22, 2012 and transferred to/currently assigned to the
9 Honorable Judge Cathy Ann Bencivengo and the Honorable Magistrate Judge
10 William V. Gallo (per Court order of October 24, 2012));

11 4) Case No. 3:12-cv-2696-CAB-WVG, *e.Digital Corporation v.*
12 *Grundig Intermedia GmbH, et al.* (filed November 5, 2012 and transferred
13 to/currently assigned to the Honorable Judge Cathy Ann Bencivengo and the
14 Honorable Magistrate Judge William V. Gallo (per Court order of November 20,
15 2012));

16 5) Case No. 3:12-cv-02698-CAB-WVG, *e.Digital Corporation v.*
17 *SanDisk Corporation* (filed November 5, 2012 and transferred to/currently
18 assigned to the Honorable Judge Cathy Ann Bencivengo and the Honorable
19 Magistrate Judge William V. Gallo (per Court order of November 8, 2012));

20 6) Case No. 3:12-cv-02701-CAB-WVG *e.Digital Corporation v.*
21 *Philips Electronics North America Corporation* (filed November 5, 2012 and
22 transferred to/currently assigned to the Honorable Judge Cathy Ann Bencivengo
23 and the Honorable Magistrate Judge William V. Gallo (per Court order of
24 November 16, 2012));

25 7) Case No. 3:12-cv-02800- CAB-WVG, *e.Digital Corporation v.*
26 *iriver, Ltd, et al.* (filed November 20, 2012 and transferred to/currently assigned to
27 the Honorable Judge Cathy Ann Bencivengo and the Honorable Magistrate Judge
28 William V. Gallo (per Court order of December 4, 2012));

1 8) **Case No. 3:12-cv-02801-CAB-WVG**, *e.Digital Corporation v.*
2 *Shaghal, LTD. dba eMatic, et al.* (filed November 20, 2012 and transferred
3 to/currently assigned to the Honorable Judge Cathy Ann Bencivengo and the
4 Honorable Magistrate Judge William V. Gallo (per Court order of December 3,
5 2012));

6 9) **Case No. 3:12-cv-02825-CAB-WVG**, *e.Digital Corporation v. GPX,*
7 *Inc., et al.* (filed November 26, 2012 and transferred to/currently assigned to the
8 Honorable Judge Cathy Ann Bencivengo and the Honorable Magistrate Judge
9 William V. Gallo (per Court order of December 3, 2012));

10 10) **Case No. 3:12-cv-02877-CAB-WVG**, *e.Digital Corporation v. Mach*
11 *Speed Technologies, LLC et al* (filed December 4, 2012 and transferred
12 to/currently assigned to the Honorable Judge Cathy Ann Bencivengo and the
13 Honorable Magistrate Judge William V. Gallo (per Court order of December 10,
14 2012));

15 11) **Case No. 3:12-cv-02879- CAB-WVG**, *e.Digital Corporation v.*
16 *Creative Labs, Inc., et al.* (filed December 4, 2012 and transferred to/currently
17 assigned to the Honorable Judge Cathy Ann Bencivengo and the Honorable
18 Magistrate Judge William V. Gallo (per Court order of December 10, 2012));

19 12) **Case No. 3:12-cv-02891-CAB-WVG**, *e.Digital Corporation v.*
20 *Osram Sylvania, Inc., et al.* (filed December 4, 2012 and transferred to/currently
21 assigned to the Honorable Judge Cathy Ann Bencivengo and the Honorable
22 Magistrate Judge William V. Gallo (per Court order of December 12, 2012));

23 13) **Case No. 3:12-cv-02899-CAB-WVG**, *e.Digital Corporation v.*
24 *Woodman Labs, Inc., et al.* (filed December 5, 2012 and transferred to/currently
25 assigned to the Honorable Judge Cathy Ann Bencivengo and the Honorable
26 Magistrate Judge William V. Gallo (per Court order of December 11, 2012));

27 14) **Case No. 3:12-cv-02997-CAB-WVG**, *e.Digital Corporation v.*
28 *MiTAC Digital Corporation, et al.* (filed December 17, 2012 and transferred

1 to/currently assigned to the Honorable Judge Cathy Ann Bencivengo and the
2 Honorable Magistrate Judge William V. Gallo (per Court order of December 20,
3 2012);

4 15) **Case No. 3:13-cv-00023-CAB-WVG**, *e.Digital Corporation v.*
5 *Pantech Wireless, Inc. et al.* (filed January 4, 2013 and transferred to/currently
6 assigned to the Honorable Judge Cathy Ann Bencivengo and the Honorable
7 Magistrate Judge William V. Gallo (per Court order of January 8, 2013);

8 16) **Case No. 3:13-cv-00112-CAB-WVG**, *e.Digital Corporation v.*
9 *FUJIFILM Corporation, et al.* (filed January 15, 2013 and and transferred
10 to/currently assigned to the Honorable Judge Cathy Ann Bencivengo and the
11 Honorable Magistrate Judge William V. Gallo (per Court order of January 29,
12 2013); and,

13 17) **Case No. 3:13-cv-00356-CAB-WVG** *e.Digital Corporation v. JVC*
14 *Americas Corp.* (filed February 13, 2013 and and transferred to/currently assigned
15 to the Honorable Judge Cathy Ann Bencivengo and the Honorable Magistrate
16 Judge William V. Gallo (per Court order of February 20, 2013).

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18 **HANDAL & ASSOCIATES**

19 Dated: April 1, 2013

20 By: /s/ Pamela C. Chalk
21 Anton N. Handal
22 Gabriel G. Hedrick
23 Pamela C. Chalk
24 Attorneys for Plaintiff
25 e.Digital Corporation
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